In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 4461 of 2006

Date of Decision: 29.8.2006

Kuldip Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr. Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: None for the petitioner.

Mr. Ashok Aggarwal, Addl. A.G., Punjab
for the respondents.

...

J.S. Khehar, J. (Oral).

The instant writ petition pertains to the claim of medical reimbursement which had not been released to the petitioner till the filing of the instant writ petition on 21.3.2006, despite the fact, that the claim pertains to October, 2001.

During the pendency of the instant writ petition, the entire amount due to the petitioner on account of medical reimbursement was released to him. However, the issue which now remains to be adjudicated upon is, the compensation that deserves to be granted to the petitioner on account of delayed payment of medical reimbursement.

Undoubtedly, the payment of medical reimbursement was delayed to the petitioner for approximately four and a half years before the petitioner approached this Court. With the sole object of adjudicating on

the issue of compensation that has to be granted to the petitioner on account of delayed payment of medical reimbursement, this Court passed the following order on 15.5.2006:

> "Learned counsel for the respondents has filed a short affidavit on behalf of the respondents depicting that a sum of Rs.67019/-, towards payment on account of medical reimbursement, has been released to the petitioner. Learned counsel for the respondents, on the basis of the aforesaid affidavit, states that the instant writ petition has been rendered infructuous.
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> Learned counsel for the petitioner states that the petitioner had claimed medical reimbursement as far back as on 16.10.2001, on account of the fact that the petitioner's wife, who was engaged as a Head Teacher, was suffering from cancer. He further states that the amount, now paid to the petitioner, has been released after almost 5 years from the date when the claim was made. Additionally, it is pointed out that despite the fact that the competent authority had sanctioned the release of medical reimbursement as far back as on 28.9.2005, the same came to be paid to the petitioner only after he filed the instant writ petition. It is also pointed out that in the meantime, the petitioner's wife, on whose account this claim has been made, died on 18.3.2005.
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> Learned counsel for the respondents is directed to file an affidavit of respondent No.1, based on the record of the respondents, indicating the reasons for delayed payment of

medical reimbursement to the petitioner. The affidavit in question be filed within a period of two weeks from today."

In furtherance of the order dated 15.5.2006, an affidavit dated 20.6.2006 has been filed by the respondents. The aforesaid affidavit reads as under:-

"1. That on the directions of Secretary, Education (Schools), Government of Punjab, the Director Administration, O/o Director of Public Instruction (Schools), Punjab, inquired into the matter to f ix the responsibility for causing inordinate delay at the level of the officials/officers dealing with this case.

2. That the Inquiry Officer in his report dated 23.5.2006 to the Secretary held the following officials of the office of District Education Officer (Elementary) Kapurthala and Block Primary Education Officer, Kapurthala and one official of this Directorate responsible for the delay:-

1. Smt. Tejinder Kaur Dhillon, Ex.DEO (EE) Kapurthala.

2. Shri Gian Singh, Centre Head Teacher (Temporary BPEO Kapurthala-I).

3. Shri Gurbir Singh, Head Teacher, Govt. Primary School, Jalal Bhulana (Kapurthala).

4. Shri Balwant Singh, Senior Assistant, O/o DEO (E), Kapurthala.

5. Shri Jarnail Singh, Senior Assistant O/o D.P.I. (EE), Punjab.

3. That the charge-sheet has been issued to erring officials/officers at Serial Nos.1 and 2 on dated 2.6.2006 and Serial No.3 and 4 issued on 7.2.2006 and 25.5.2006 under Rule 8 of Punjab Civil Service (Punishment and Appeal) Rules, 1970. In case of Serial No.5 only show cause notice has been

issued on 2.6.2006 under Rule 10.

4. That according to the Inquiry Report the Director Health Services, Punjab as well as Civil Surgeon, Kapurthala are also responsible for about 1 years delay, for which a reference has been made to Department of Health and Family Welfare for taking appropriate action which is attached as Annexure R-1."

In view of the factual position noticed in the affidavit filed by the respondents, it is apparent, that the respondents have acknowledged unaccounted delay at their hands in the release of medical reimbursement to the petitioner.

It would be pertinent to mention, that the petitioner's wife was suffering from cancer, and the claim of medical reimbursement was on account of the medical treatment availed of by the petitioner's wife. It also deserves to be noticed, that the petitioner's wife died on account of the aforesaid ailment, on 18.3.2004. At the time of her death also, the petitioner had not been released medical reimbursement, despite the fact, that about two and a half years had expired even at that juncture.

In the peculiar facts and circumstances of this case, we consider it just and appropriate to award costs to the petitioner, who has had to avail of the remedy under the provisions of Article 226 of the Constitution of India, merely to require the respondents to release the payment of medical reimbursement sanctioned in his favour. In the facts and circumstances of this case, exemplary costs deserve to be imposed on the respondents. Accordingly, we hereby direct the respondents to pay a sum of Rs.25,000/- to the petitioner as costs on account of delayed payment towards medical reimbursement. This payment shall be released to the petitioner within one

month from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

29.08.2006
sk.